

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.20124 of 2020

VIJAY

... Petitioner

Vs.

State, Rep. By  
The Sub Inspector of Police,  
Kandhikuppam Police Station,  
Krishnagiri District.  
(Crime No.545 of 2020)

.... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.545 of 2020 on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (Crl. Side)

**ORDER**

**(The cases have been heard through video conference)**

The petitioner, who was arrested and remanded to judicial custody on 25.10.2020 for the offence punishable under Section 341, 397 of IPC, in Crime No.545 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant viz., Gnanasekar, who is a lorry driver by profession, is that on 05.10.2020 at about 4.00 p.m., while he was driving a Eicher Lorry bearing registration No.KA-26-7456 from Bangalore to Chennai viz Krishnagiri, near IRI Polytechnic College, Settipally, one white colour unregistered car intercepted his lorry and some unknown persons came out from that car and asked the driver to get down and they had taken away the lorry along with the iron scarab materials viz. 14 boxes of working material, 120 bags of aluminium oxide, 3 Nos. of barrels of cleaning materials, 5 Nos. of Red paint, which worth about Rs.3.25 lakhs. Hence, the *de facto* complainant lodged a complaint to the respondent police. Initially, the respondent police had registered a case for the offence under Sections 341 and 392 of

IPC and subsequently it was altered to one under Sections 341 and 397 of IPC. Hence, he seeks for bail.

3. The learned counsel appearing for the petitioner would submit that the petitioner is A3 in this case. He would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would submit that the lorry has been seized by the respondent police and the goods were also recovered. He would further submit that the main accused A1 in this case who has been similarly placed as that of the petitioner has been granted bail by this Court vide order dated 30.11.2020, in CrI.O.P.No.18616 of 2020. He would further submit that the petitioner has been suffering incarceration from 25.10.2020. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that on 05.10.2020 at about 04.00 p.m., while the defacto complainant was driving a Lorry bearing registration No.KA-26-7456 from Bangalore to Chennai via Krishnagiri, near IRI Polytechnic College, Settipally, the petitioner along with other accused had waylaid the lorry which is carrying goods worth of Rs.3.25 lakhs, and had taken away the lorry and thereby, a case was registered in Crime No.545 of 2020 for the offence under Sections 341, 392 of IPC and subsequently it was altered for the offence under Sections 341 & 397 of IPC. Based on the complaint, enquiry was conducted and the lorry along with goods was recovered on the same day and found that no goods were missing or taken away. He would further submit that the petitioner is having two previous cases of highway robbery.

5. Heard the learned Counsel on either side. Perused F.I.R. and the other materials placed on record.

6. Taking into consideration the facts and submissions made by the learned counsels, and also considering the fact that the petitioner is in judicial custody from 25.10.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Krishnagiri and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Monday at 10.30 a.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature,

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005) AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

17/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,  
NO.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,  
KANDHIKUPPAM POLICE STATION,  
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

CC to M/S E.KANNADASAN Advocate on payment of necessary charges

CRL OP.20124/2020

Date :17/12/2020

TA-18/12/2020

<https://hcservices.ecourts.gov.in/hcservices/>